IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7230 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VASANTBA NANBHA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 7230 of 1988

MR RJ OZA for Petitioner No. 1-4

MS DEVANI AGP for Respondent No. 1-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 11/12/2002

ORAL JUDGEMENT

#. Learned counsel Shri Oza for the petitioners on instructions from his clients states that the possession

of the land in question still remains with them under the interim order dated 26.10.1988, which is remained in force till today. He further states that no further steps are taken after issuance of notification under section 10(1) of the ULC Act.

#. Ms.Devani, learned AGP places on record letter dated 9.12.2002 addressed by Section Officer, Shri P.M., Khant, Revenue Department, State of Gujarat to the Government Pleader of this court wherein it has been stated that action was sought to be taken under Section 19(1) of the ULC Act but thereafter landholder preferred appeal before the Tribunal under Section 33 of the Act. After his appeal was dismissed by the Tribunal, he had filed this petition before this court and because of the interim order passed by the court the Government could not take the possession of the land in question. The said letter is ordered to be taken on record.

Ms.Devani has also produced another letter dated 9.8.2002 addressed by the competent authority and passed Collector, Bhavnagar to the same effect that the possession could not be taken over from the petitioners in view of the interim order granted by this court in this petition.

In view of the above, nothing survives in the matter and accordingly the petition stands disposed of. Rule is made absolute accordingly with no order as to costs.

(B.J.Shethna, J.)
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